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SPAIN

In re Application of :
Escatllar Zunzunegui :
Application No.: 10/520,416 :
PCT No.: PCT/IB03/03093 :
Int. Filing Date: 01 July 2003 : DECISION
Priority Date: 18 July 2002 :
Attorney Docket No.: N/A :
For: Clothes File Concept And Clothes-Filing Hangers :

This is a decision on the correspondence filed on 11 August 2005.

DISCUSSION

This international application was filed on 01 July 2003 and claimed a priority date of 18 July 2002. The United States was designated. The International Bureau communicated a copy of the published international application to the USPTO on 29 January 2004. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 18 January 2005. On 29 December 2004, applicant filed *inter alia* the basic national fee.

On 29 June 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring the submission of an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(e).

DISCUSSION

Inspection of the declaration filed on 29 December 2004 reveals that it names "Jorge Escatllar" as the sole inventor, whereas the published international application nominated "ESCATTLAR ZUNZUNEGUI, Jorge." Applicant explains this discrepancy by noting that "We have two surnames in Spain, of which the first one is the main one, in my case ESCATTLAR. I'm always referred to as Mr. Escatllar everywhere. As there is no place for second surnames in the PTO forms, and in USA in general, please keep my second surname ZUNZUNEGUI missing in all of your recordings."

Since this discrepancy represents more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition and fee under 37 CFR 1.182 (currently \$400.00) would be required. See MPEP § 605.04(b) and MPEP § 201.03(b)(quoted on the following page). Alternatively, applicant may provide a new, executed oath or declaration naming the same inventive entity as named in the published international application. In this regard, it is noted that the complete surname, Escatllar Zunzunegui, may be inserted in the surname block on the declaration document.

MPEP 201.03(b) provides in relevant part that

A request under 37 CFR 1.48 will not be required:

(E) Where there is no change of individual but an incorrect name was given, a petition under 37 CFR 1.182 should be filed requesting correction of applicant's name;

And **MPEP 605.04(b)** provides in relevant part that

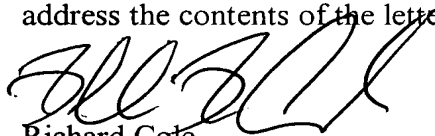
Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee. >Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

CONCLUSION

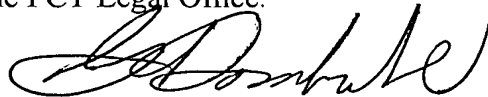
The declaration is **NOT ACCEPTED**, without prejudice.

Applicant is required to file a response within **TWO (2) MONTHS** of the mailing date of this decision. Extensions of time under 37 CFR 1.136(a) are **NOT** available. Failure to timely reply will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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